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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,613	07/12/2001	Dipayan Gangopadhyay	4350.P001	2977

7590 08/08/2005

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EXAMINER	
JARRETT, SCOTT L	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/904,613	GANGOPADHYAY ET AL.	
	Examiner	Art Unit	
	Scott L. Jarrett	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *7/12/2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 1-6 are informal and/or illegible. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: System and Method for Matching Candidates and Jobs using Verified Candidate Information.

Claim Rejections - 35 USC § 101

3. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result.

Regarding Claims 1-6, Claims 1-6 only recite an abstract idea. The recited the method to match a candidate to a job does not does not does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the

mind of the user or by use of a pencil and paper. The claimed invention, as a whole, is not within the technological art as explained above claims 1-6 are deemed to be directed to non-statutory subject matter.

Mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process. In the present case, none of the recited steps are directed to anything in the technological arts as explained above with the exception of the recitation of the terms "computer readable form", "digital signature" and "X.509 protocol." Therefore, the terms discussed are taken to merely recite a field of use and/or nominal recitation of technology.

Regarding Claims 7-10, Claims 7-10 only recite an abstract idea. The recited method to match a set of candidates to a set of jobs does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The claimed invention, as a whole, is not within the technological art as explained above claims 7-10 are deemed to be directed to non-statutory subject matter.

Mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process. In the present case, none of the recited steps are directed to anything in the technological arts as explained above with the exception of the recitation of the term "computer readable

form." Therefore, the term discussed is taken to merely recite a field of use and/or nominal recitation of technology.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 7 and 11 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Perrell et al., U.S, Patent No. 6,658,400.

Regarding Claims 1, 7 and 11 Perrell et al. teach an online system and method for creating a job board/bank to match job seekers and job providers (employers) based on verified candidate information and job requirement/search criteria (Column 1, Lines 15-22; Column 2, Lines 30-43; Figure 1, 5).

Perrell et al. further teach a method and system for matching one or a set of candidates to one or a set of jobs comprising:

- receiving candidate information in computer readable form from one or more candidates (Column 2, Lines 65-68; Column 3, Lines 1-3; Column 11, Lines 9-55; Tables 1 and 3; "Job Seekers", Figure 1);

- receiving job requirements in computer readable form from job providers (employers; Column 24, Lines 40-68);

- verifying the candidate information utilizing a digital signature and queries (searches) transmitted via a network (Column 2, Lines 18-26; "Third Party Verification Service Providers"; Column 6, Lines 43-52; Column 8, Lines 4-9; Column 15, Lines 5-15; Tables 10-12; Figures 1,5);

- matching verified candidate(s) information to job(s) requirements/search criteria (Column 1, Lines 25-29; Column 3, Lines 1-25; Column 24, Lines 40-68; Column 25, Lines 20-50);

- notifying/providing each of the candidates and companies with the match/search results (Column 14, Lines 21-25; Column 24, Lines 62-68; Column 25, Lines 38-48; Figure 8, Element 802).

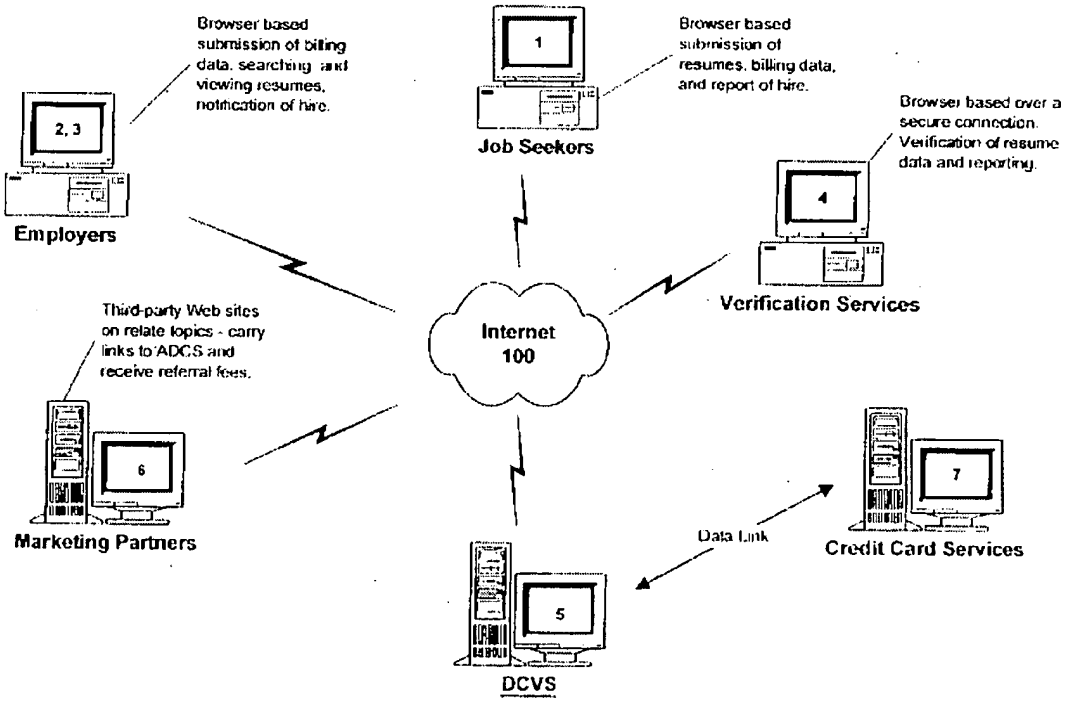

Figure 1 - DCVS Overview

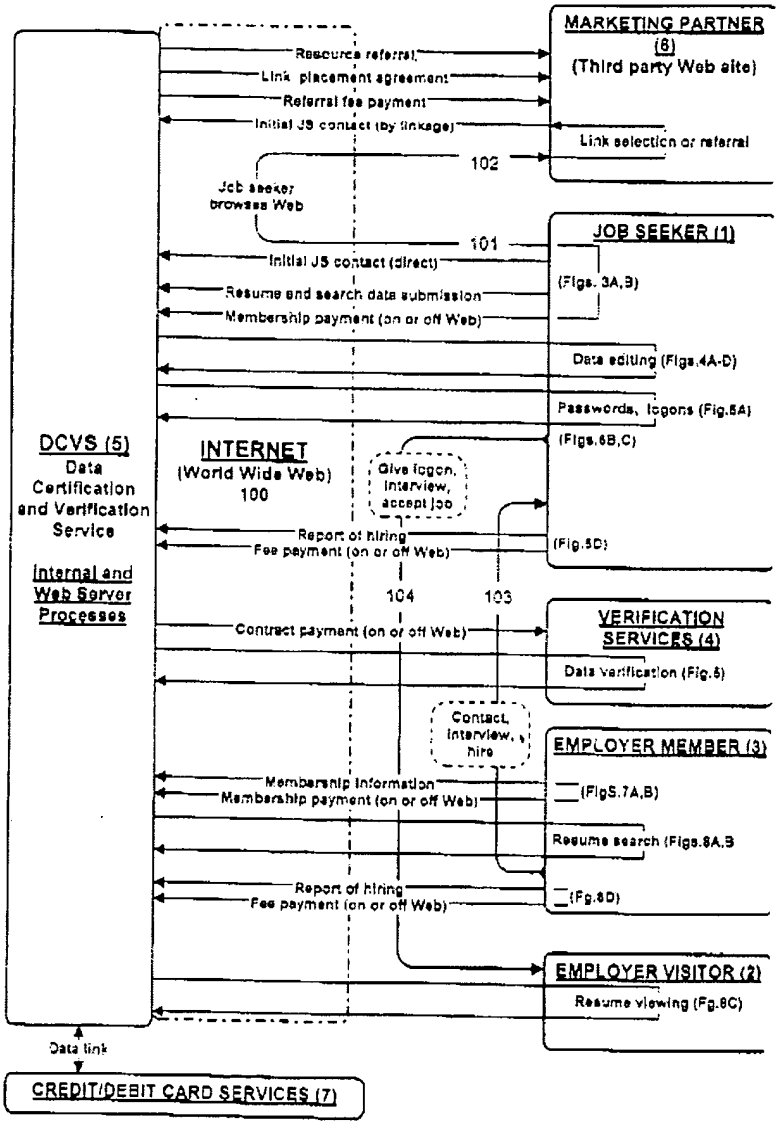

Figure 2 - DVCS Internet Interface Structure

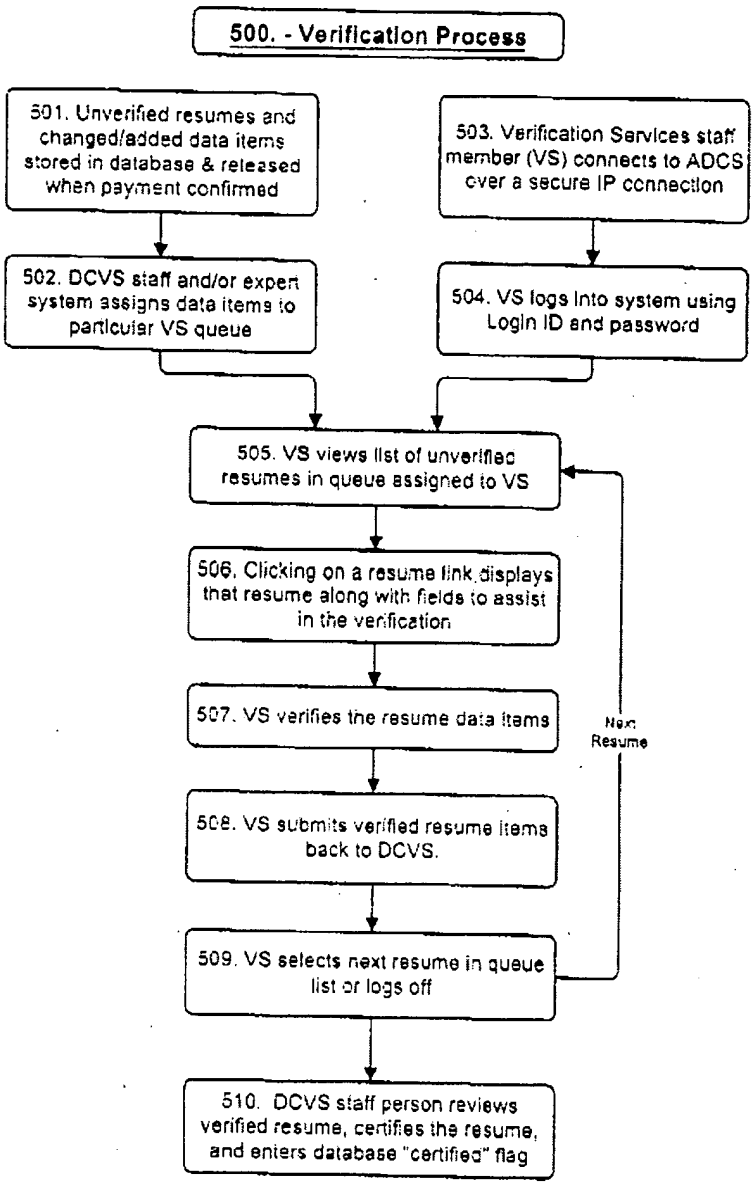
500. - Verification Process
501. Unverified resumes and changed/added data items stored in database & released when payment confirmed
503. Verification Services staff member (VS) connects to ADCS over a secure IP connection
502. DCVS staff and/or expert system assigns data items to particular VS queue
504. VS logs into system using Login ID and password
505. VS views list of unverified resumes in queue assigned to VS
506. Clicking on a resume link displays that resume along with fields to assist in the verification
507. VS verifies the resume data items
Next Resume
508. VS submits verified resume items back to DCVS.
509. VS selects next resume in queue list or logs off
510. DCVS staff person reviews verified resume, certifies the resume, and enters database "certified" flag

Figure 5

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2-6, 8-10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrell et al., U.S, Patent No. 6,658,400 as applied to claims 1, 7 and 11 above and further in view of Kurzius et al., U.S. Patent No. 6,385,620.

Regarding Claim 2-4, 8 and 12 Perrell et al. teach a method and system for matching candidates with jobs based on verified candidate information wherein the candidate information includes qualifications and preferences (Column 11, Lines 8-55; Tables 1 and 3).

Perrell et al. does not expressly teach that the job requirements information includes a job description as claimed.

Kurzius et al. teach that the job requirements information includes a job description, in an analogous art of candidate and job matching, for the purposes of providing detailed information related to the available positions (Column 14, Lines 55-65; Column 18, Lines 54-68; Figure 13, Element 1302; Figure 18).

More generally Kurzius et al. teach an online system and method for matching candidate qualifications and preferences as well as job requirements and employer preferences information (Abstract; Column 1, Lines 52-68; Column 2, Lines 1-8; Column 58-65; Figures 1, 3, 13 and 18).

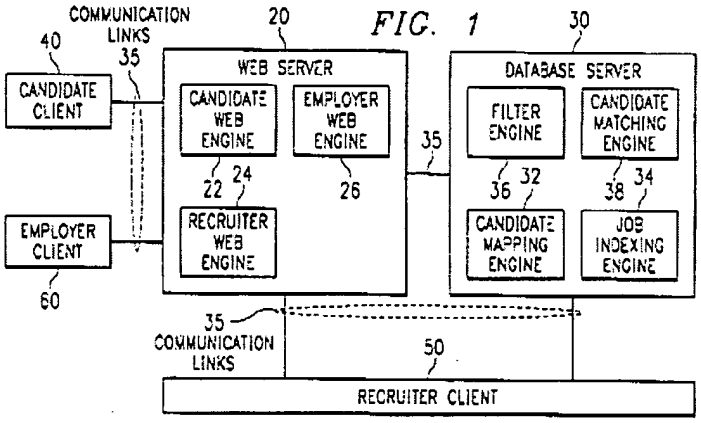

FIG. 1

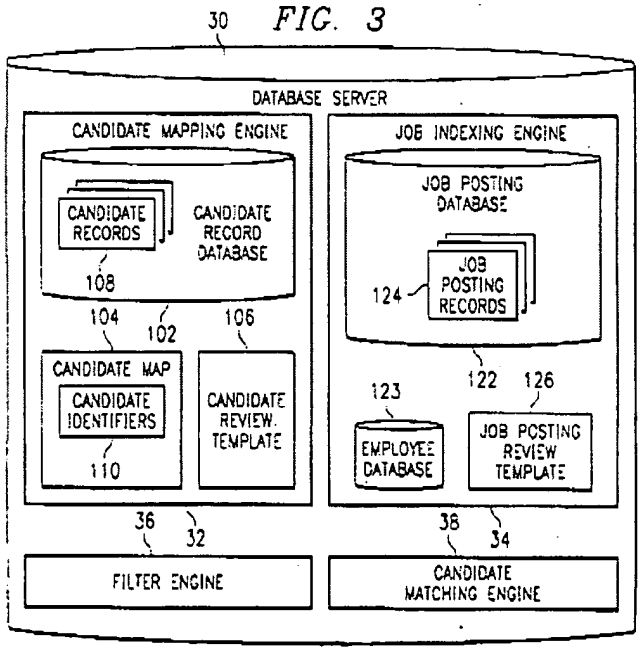

FIG. 3

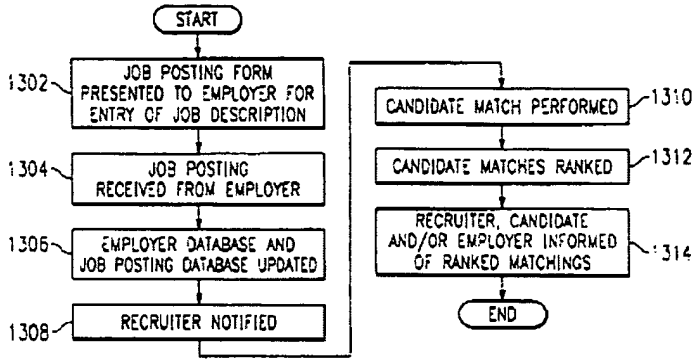

FIG. 13

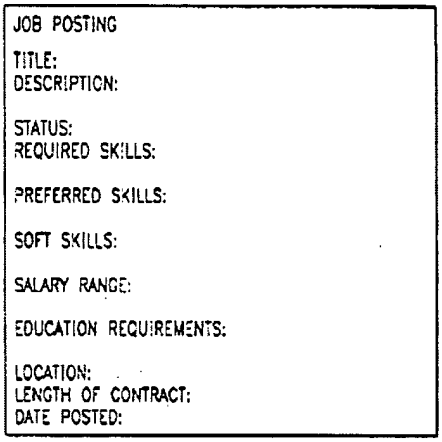

FIG. 18

It would have been obvious to one skilled in the art at the time of the invention that the system and method for matching candidates and jobs based on verified candidate information as taught by Perrell et al. would have benefited from providing a plurality of information related to the job postings (available positions) including but not limited to job description information in view of the teachings of Kurzius et al.; the resultant system matching candidate and providing more detailed job requirement information.

Regarding Claims 5 and 9 Perrell et al. teach a system and method for matching candidates and jobs based on verified candidate information (qualification) as well as notifying/providing each of the candidates and companies with the match/search results (Column 14, Lines 21-25; Column 24, Lines 62-68; Column 25, Lines 38-48; Figure 8, Element 802).

While Perrell et al. teach matching candidates to jobs based on all the information (fields, databases) relating to candidates and employers Perrell et al. does not expressly teach that the job requirements information includes a job description or subsequently matching candidates to job descriptions as claimed.

Kurzius et al. teach that the job requirement information includes a job description, in an analogous art of candidate and job matching, for the purposes of providing detailed information related to the available positions (Column 14, Lines 55-65; Column 18, Lines 54-68; Figure 13, Element 1302; Figure 18).

Kurzius et al. teach that the candidate and job matching system and method further automatically notifies a plurality of users (recruiters, candidates, employers, etc.) of the matching results (Column 15, Lines 51-56; Figure 13, Element 1314).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for matching candidates and jobs based on verified candidate information as taught by Perrell et al. would have benefited from providing a plurality of

information related to the job postings (available positions) including but not limited to job description information as well as matching candidates and jobs based on the job description information in view of the teachings of Kurzius et al.; the resultant system providing a more complete description of the job requirements.

Regarding Claims 6 and 14 Perrell et al. teach an internet based system and method for matching candidates to jobs based on verified job seeker information and job seeker/employer preferences and search criteria wherein the system utilizes a plurality of security measures to insure that the information utilized/transmitted via the plurality of users of the system remains secure, private and un-tampered with (e.g. Secure Socket Layers; Column 3, Lines 46-53; Column 7, Lines 37-50). Specifically Perrell et al. teach the utilization of digital signatures for securing communication between the job seeker verification services and the system over a network (i.e. verifying includes sending/encoding queries/communications via digital signatures; Column 8, Lines 4-9).

Perrell et al. does not expressly teach the specific digital certificate protocol utilized by the system is the X.509 protocol as claimed.

Official notice is taken that the X.509 is an ITU standard for digital certificates as well as the basis of the Internet's PKI (public-key infrastructure) standard and is old and

very well known. The X.509 was first published in 1988 as part of the ITU X.500 directory services standard. The latest version (3.0) was released in 1996.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for matching candidates and jobs based on verified candidate information, with its utilization of digital certificates and SSL to protect the confidential information being shared amongst the plurality of participants/users of the system, as taught by Perrell et al. would have utilized the well-known and widely accepted X.509 protocol for digital certificates in view of the teachings of official notice; the resultant system providing for secure communications utilizing open and well known standards.

Regarding Claims 10 and 13 Perrell et al. does not expressly teach that the system and method for matching candidates to jobs based on verified candidate information ranks jobs and/or candidates as claimed.

Kurzius et al. teach the ranking of job candidates and jobs, in an analogous art of matching candidates and jobs, for the purposes of identifying the most suitable candidates/jobs (best fit; Column 15, Lines 33-56; "...rank all suitable candidates.", Column 16, Lines 3-5; Figure 16).

Kurzius et al. teach that the candidate and job matching system and method comprises:

- ranking the results of the jobs with respect to each candidate ("...the recruiter, candidate and/or employer involved in the matching and ranking process may be information of the ranked matchings...", Column 15, Lines 33-56; Figure 13, Element 1314); and

- ranking the results of the candidate with respect to each job (Column 15, Lines 33-56; "...rank all suitable candidates.", Column 16, Lines 3-5; Figure 16).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for matching candidates and jobs based on verified candidate information taught by Perrell et al. would have benefited from ranking matching results for candidates and employers in view of the teachings of Kurzius et al; the resultant system enabling candidates and employers to identify jobs/candidates that are the most suited for the position/job (Column 16, Lines 3-5).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Walker et al., U.S. Patent No. 5,862,223, teach an online method and system for matching candidates and jobs that utilizes well-known cryptology tools, techniques and standards (e.g. digital signatures, encryption, etc.).

- Walker et al., U.S. Patent No. 5,884,270, teach an online method and system for matching candidates and jobs that utilizes well-known cryptology tools, techniques and standards including but not limited to X.509 (digital signature protocol) to secure and authenticate communications.

- McGovern et al., U.S. Patent No. 5,978,768, teach an online system and method for matching candidates and jobs (job board).

- Puram et al., U.S. Patent No. 6,289,340, teach a system and method for matching candidates and jobs wherein the system provides for the ability of candidates and third parties to assess candidate skill sets (i.e. qualifications) and enables employers to rank (score) matching candidates based on candidate information.

- McGovern et al., U.S. Patent No. 6,385,620 (assigned to CareerBuilder, Inc.), teach an online system and method for matching candidates and jobs wherein the system periodically notifies candidates of matching jobs.

Williams et al., U.S. Patent No. 6,618,734, teach a system and method for matching candidates and jobs wherein the system validates candidate information

(employment data) and ranks candidates for each job to assist employers in determining the best-matched candidates.

- Ritzel, William, U.S. Patent No. 6,904,407, teaches an online system for storing verified candidate qualification information (references) in a central repository that is available to candidates and employers.

- Bouchard, Lisa, U.S. Patent Publication No. 2001/0034011, teaches a system and method for matching candidates and jobs wherein the system utilizes a plurality of information to predict potential candidates performance.

- Barton, Timothy, U.S. Patent Publication No. 2002/0046074, teaches a career management system and method comprising a twelve step process comprising: self assessment, resume builder, cover-letter, research, networking, job search, job scorecard, interviewing, thank you letters, offer evaluation, resigning and on-boarding.

- Thomas, Roland R., U.S. Patent Publication No. 2002/0055870, teaches an online system and method for matching ("precision screening", evaluating) candidate and jobs wherein the system ranks candidate qualifications versus the job (position) requirements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJ
7/26/2005

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